

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Drew Eric Wingard

Application No.: 09/634,045

Filed: August 8, 2000

For: Logic System With Configurable Interface

Examiner: Thompson, Annette M.

Art Unit: 2825

Confirmation No.: 5608

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 C.F.R. 1.137(a)**

Dear Sir:

Applicants hereby petition for revival of the above-noted abandoned application. This application became abandoned on November 19, 2004.

The delay in filing the response was unavoidable and attached is a declaration by J. Scott Heilesen stating the facts why we believe the abandonment was unavoidable. Also, attached is a check in the amount of \$500.00 as payment of fees for the Petition to Revive the Unavoidably Abandoned Patent application under 37 C.F.R. 1.17(l).

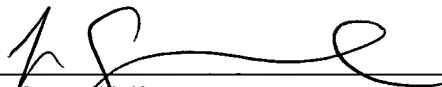
However, if the Patent Office feels that the abandonment was not unavoidable, the abandonment was certainly unintentional. In that case, please charge any necessary fees required under 37 C.F.R. 1.17(m) to revive an unintentionally abandoned patent application under 37 C.F.R. 1.137(b). Please charge our deposit account accordingly. Our deposit account number is 02-2666. In any event, please revive this patent application.

Please charge any shortages or credit overcharges to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 12/27/04



Jeffery Scott Heilesen
Reg. No. 40,765

12400 Wilshire Blvd.
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Los Angeles, CA 90025-1026
(408) 720-8300

FIRST CLASS CERTIFICATE OF MAILING
(37 C.F.R. § 1.8(a))

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail with sufficient postage in an envelope addressed to Mail Stop Petition to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

12-27-04

Date of Deposit

CATHY BACKMAN

Name of Person Mailing Correspondence

Cathy B 12-27-04

Signature Date

DEC 29 2004

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLE UNDER 37 CFR 1.137(A)

Docket No.: 002998.P011

First Named Inventor: Drew Eric Wingard

Application No.: 09/634,045

Art Unit: 2825

Filed: August 8, 2000

Examiner: Thompson, Annette M.

Title: LOGIC SYSTEM WITH CONFIGURABLE INTERFACE

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450NOTE: If information or assistance is needed in completing this form, please contact
Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay.

1. Petition fee

[] Small entity fee \$____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

[X] Other than small entity – fee \$500.00 (37 CFR 1.17(m)).

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of Notice of Appeal; Appeal Brief (identify type of reply);

[] has been filed previously on _____.

[X] is enclosed herewith.

B. The issue fee of \$_____.

[] has been paid previously on _____.

[] is enclosed herewith.

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(Page 1 of 2)

Burden Hour Statement: This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

3. Terminal disclaimer with disclaimer fee

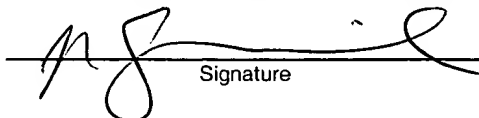
☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 C.F.R. 1.137(a) was unavoidable, is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

12/27/04
Date


Signature

Telephone
Number: (408) 720-8300

Jeffery Scott Heilesen
Typed or printed name

46,765
Reg. No.

Enclosures: ☒ Fee Payment 12400 Wilshire Boulevard, 7th Floor, Los Angeles, CA 90025
☒ Reply Address
☐ Terminal Disclaimer Form
☒ Additional sheets containing statements establishing unavoidable delay
☒ Other: Petition for Revival of an Application for Patent Abandoned Unavoidably under 37 CFR 1.137(a); Declaration of Jeffery Scott Heilesen; Notice of Appeal; Appeal Brief Under 37 CFR Section 41.37(a); Appendix A for Appellant's Brief Under 37 CFR Section 41.37(a)

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

12/27/04
Date


Signature

CATHY BACHMANN
Typed or printed name of person signing certificate



Attorney's Docket No. 02998.P011

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Drew Eric Wingard

Application No.: 09/634,045

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Alexandria, VA 22313-1450

DECLARATION OF JEFFERY SCOTT HEILESON

Sir:

I, Jeffery Scott Heileson, hereby declare and say as follows:

1. I am a patent attorney in the law firm of Blakely, Sokoloff, Taylor and Zafman LLP (hereinafter "the law firm") and represent Sonics, Inc., the assignee of the above-referenced patent application.
2. A Final Office Action for the application was received from the Patent and Trademark Office (PTO) mailed on April 19, 2004. The claims were rejected only under 35 U.S.C. §103(a) as being obvious over the Blodget reference.
3. Applicant filed an Amendment and Response After Final Office Action on August 17, 2004, with a petition one month extension of time. Applicant's Response included a Declaration under 37 C.F.R. §1.131 to remove the Blodget reference. The Declaration stated that the claimed invention was reduced to practice prior to the filing date of the Blodget reference.

4. An Advisory Action was mailed October 18, 2004, in which the Examiner stated that Declaration did not place the application in condition for allowance because the Declaration "raises questions regarding the 35 U.S.C. §102(b) bar to patentability based on public use or sale one year prior to the filing of the instant application."

5. I had a telephonic conversation with Examiner Annette M. Thompson, a Primary Examiner assigned to the present Application, on or about October 29, 2004, in which Examiner Thompson and I discussed her §102(b) comments in the Advisory Action mailed October 18, 2004. Examiner Thompson verbally told me that she would send out a Supplemental Advisory Action. My understanding was that Examiner Thompson would use such Supplemental Advisory Action to elaborate on what aspects of Applicant's After Final response raised §102(b) issues in her mind.

6. As Applicant's representative, I relied on Examiner Thompson's statement that she would send out a Supplemental Advisory Action, and in doing so, refrained from filing any further response with the Patent and Trademark Office, in anticipation of receiving Examiner Thompson's Supplemental Advisory Action, so that I could take the Examiner's elaborated comments into consideration when preparing Applicant's next response.

7. On or about December 14, 2004, having not yet received a Supplemental Advisory Action from Examiner Thompson, nor having received any communication from the Examiner regarding this matter, I called Examiner Thompson a second time, inquiring as to the status of the promised Supplemental Advisory Action. During that telephonic conversation, Examiner Thompson stated that she would not be issuing a Supplemental Advisory Action for the present application.

8. Essentially, by the time Applicant became aware that Examiner Thompson would not be issuing a Supplemental Advisory Action, the present application had passed into abandonment. It is Applicant's view that such abandonment was unavoidable, and

certainly unintentional, given the reliance upon Examiner Thompson's statement. At this time, Applicant notes that no notice of abandonment has been received.

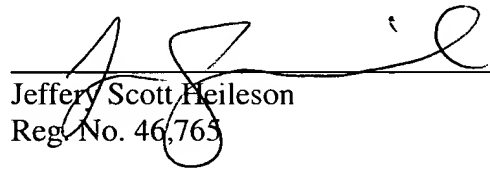
9. On December 22, I spoke with Examiner Thompson's supervisor, Examiner Matthew S. Smith, regarding the status of the present application. Examiner Smith stated that the present application would need to be revived to go forward.

I, Jeffery Scott Heilesen, hereby declare that all statements made herein are of my own knowledge and are true, and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 12/27, 2004


Jeffery Scott Heilesen
Reg. No. 46,765

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CATHY BACHMANN
Name of Person Mailing Correspondence

Cathy Ba
Signature

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Date